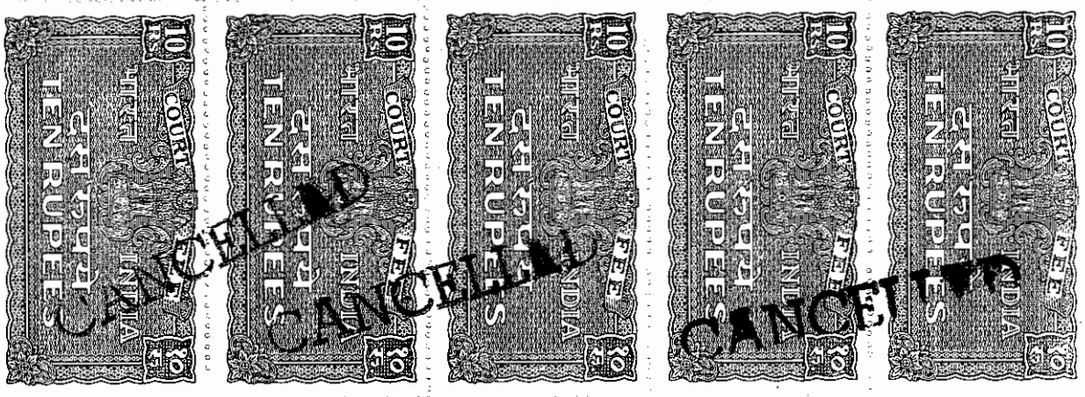
(3)



IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2282 /2003

PETITIONER : Dhruv Prasad Gupta,
S/o Choabha Ram Gupta,
Aged about 55 years,
Working as Assistant Development
Extension Officer, Sarganv, Patharia,
Mungeli, R/o Village- Hakim Nagar,
Sarganv, Mungeli, Bilaspur (C.G.)

- Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through Secretary Department
Of Panchayat and Gramin Vikas,
Mantralaya, Shastri Chowk,
Raipur (C.G.)

2. Janpad Panchayat Pandria,
Through Chief Executive Officer,
Pandaria, Bilaspur (C.G.)

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30/1/03
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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

Details of the petition

(15)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2282/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18-8-2003

Shri Prashant Jaiswal, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General for the respondent No.1.

By this petition filed under Article 226/227 of the Constitution of India the petitioner has challenged his transfer order dated 24-7-2003, Annexur-P/1 by which he has been transferred from his present place of posting at Saranganv to Janpad Panchayat Konta, District Dantewada. The petitioner is working as Assistant Development Extension Officer in the Panchayat Department.

The main grievance of the petitioner is that he has been transferred in the mid-session and at the fag end of his career and only four years are left in his retirement, therefore, he should not have been transferred.

I have heard Shri Prashant Jaiswal, counsel for the petitioner.

In para 5.4 of the petition it is stated that the petitioner was working at Sarangav since 1985 i.e. more than last 18 years at one place and now he has been transferred from Sarangav to Janpad Panchayat Konta District Dantedawa.

There is no such rule which prohibits the transfer of an employee when he is about to retire within four years. Transfers

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

are made on administrative exigencies and unless and until the petitioner is able to make out the case which shows that the transfer of the petitioner is malafide or against any statutory rules, the Court can not interfere with the transfer orders and the Court is not entitled to exercise the powers of the judicial review against the transfer orders.

As mentioned above, the petitioner has not stated that his transfer has been made against any statutory provisions, or he has been transferred on mala-fide grounds. Therefore, there is no merit in this case, the same is liable to be dismissed and it is dismissed.

Sd/-
L.C.BHADOO
Judge

Barve